

PROCEEDINGS OF THE NINETY-FIFTH ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

CHAIRS OF THE COMMITTEE
ON THE ANNUAL MEETING
David J. Bederman
Lucy Reed

CO-EDITORS OF THE PROCEEDINGS
David J. Bederman
Lucy Reed
PRODUCTION MANAGER
Edra London

CONTENTS

<i>Note About the Proceedings</i>	viii
<i>Introduction</i>	ix

The Just War Tradition and Humanitarian Intervention (Third Annual Grotius Lecture)

<i>Jean Bethke Elshtain</i>	1
-----------------------------------	---

The President's Roundtable: The Past and Future of International Law in the United States, and the Role of the ASIL

REMARKS BY:

<i>Ian Brownlie</i>	13
Presidents, Secretaries of State, and Other Visible International Lawyers	
<i>Lori Fisler Damrosch</i>	15

An Interview with Oscar Schachter

<i>Mieke J. Clincy</i>	18
------------------------------	----

Does Method Matter?

Looking at Economic Sanctions from the Corner	
<i>Adeno Addis</i>	23
UN Sanctions on Afghanistan: A Feminist Perspective	
<i>Barbara Stark</i>	24
An International Relations Theory Approach	
<i>Anne-Marie Slaughter</i>	25
A Law and Economics Approach	
<i>Jeffery C. Atik</i>	26
A New Haven School Look at Sanctions	
<i>W. Michael Reisman</i>	27

Judicial Views of the College of International Lawyers

<i>Christopher J. Borgen</i>	28
------------------------------------	----

International Trials for Internal Armed Conflicts

<i>Benjamin B. Ferencz</i>	35
----------------------------------	----

Holocaust Claims

The Role of the United States Government in Recent Holocaust Claims Resolution	
<i>Ronald J. Bettauer</i>	37

Alien Tort Claims and Business Liability

REMARKS BY

<i>Beth Stephens</i>	42
<i>Melissa Crow</i>	44
<i>Richard Herz</i>	47
<i>Kristin Linsley Myles</i>	48

International Law and the Work of Federal and State Legislators

Tracing the Institutional Insinuation of International Law

<i>Peter J. Spiro</i>	50
-----------------------------	----

Conscientious State Legislators and the Cultures of Compliance and Liberalization Relating to International Trade Agreements

<i>Matthew P. Schaefer</i>	52
----------------------------------	----

Global Public Health Issues

From Isolationism to Mutual Vulnerability and Back: International Law and Unfair Distribution of Global Disease Burdens

<i>Obijiofor Aginam</i>	58
-------------------------------	----

Health and Human Rights: The Expanding International Agenda

<i>Stephen P. Marks</i>	64
-------------------------------	----

Human Rights and Direct Petition

REMARKS BY:

<i>Anne F. Bayefsky</i>	71
-------------------------------	----

The Inter-American System for the Protection of Human Rights

<i>Christina M. Cerna</i>	75
---------------------------------	----

The European Court of Human Rights

<i>Mark E. Villiger</i>	79
-------------------------------	----

Petitioning the United Nations

<i>Alfred de Zayas</i>	82
------------------------------	----

Religious and Social Ethical Perspectives on International Law: The Middle East Peace Process

OVERVIEW AND REMARKS BY:

<i>Geoffrey R. Watson</i>	87
---------------------------------	----

An "Outsider's View" of International Law in the Israeli-Palestinian Conflict: A Roman Catholic Perspective

<i>Drew Christiansen</i>	88
--------------------------------	----

Battlefield Ethics in the Jewish Tradition

<i>Michael J. Brody</i>	92
-------------------------------	----

The U.S. Lawyer-Statesman at Times of Crisis: A Look at Colonial America

<i>Sean D. Murphy</i>	99
-----------------------------	----

The U.S. Lawyer/Statesman at Times of Crisis

INTRODUCTORY REMARKS BY:

<i>Sean D. Murphy</i>	107
-----------------------------	-----

The Hamiltonian Constitution and Foreign Affairs

<i>David Golove</i>	107
---------------------------	-----

Dr. Francis Lieber and the Lieber Code

<i>Jordan J. Paust</i>	112
------------------------------	-----

Elihu Root and Crisis Prevention

<i>Mary Ellen O'Connell</i>	115
-----------------------------------	-----

Dean Acheson and International Law

<i>John R. Crook</i>	118
----------------------------	-----

Boundary Disputes into the 21st Century: Why, How . . . and Who?	
<i>Jan Paulsson</i>	122
The Role of the New International Adjudicator	
<i>Laurence Boisson de Chazournes and Sarah Heathcote</i>	129
COMMENTARY BY:	
<i>Gavan Griffith</i>	135
Pinochet Revisited	
REMARKS BY:	
<i>Jose E. Alvarez</i>	139
<i>Vaughan Lowe</i>	139
Intellectual Property and Indigenous Peoples	
<i>Erica-Irene Daes</i>	143
Intellectual Property and Indigenous Peoples: An Overview	
<i>Siegfried Wiessner</i>	151
Who Steals Indigenous Knowledge?	
<i>Russel Lawrence Barsh</i>	153
Citizens in the International Realm: The New Participatory Demands	
INTRODUCTORY REMARKS BY:	
<i>Andrew Strauss</i>	162
REMARKS BY:	
<i>Richard Falk</i>	164
Fairness in Fairness Discourse	
<i>Thomas M. Franck</i>	167
The New Cyber College of International Lawyers	
REMARKS BY:	
<i>William Slomanson</i>	173
<i>Muthu Sornarajah</i>	173
<i>Christopher Gibson</i>	175
<i>Mark S. Kende</i>	178
<i>Irwin Pickus</i>	181
International Organizations: Conflicts of International Law	
<i>Gregory H. Fox</i>	183
Teaching International Law—"The Visible College of International Law Clinicians: Making a Real Difference in Law School and in the World"	
REMARKS BY:	
<i>Diane Edelman</i>	188
<i>Michele Pistone</i>	193
Investment Disputes and NAFTA Chapter Eleven	
REMARKS BY:	
<i>Barry Appleton</i>	196
<i>Denyse MacKenzie</i>	198
<i>Barton Legum</i>	202
<i>Eduardo Siqueiros</i>	205
<i>William S. Dodge</i>	207

Justice Seen to Be Done? Electronic Broadcast Coverage of the International Criminal Tribunal for the Former Yugoslavia	
<i>Paul Mason</i>	210
The Media's Portrayal of International Law	
SUMMARY OF PANELISTS REMARKS BY	
<i>Lucy Reed</i>	216
QUESTIONS AND INTERVENTIONS	
<i>Lucy Reed</i>	218
"The Inevitability of Peace Operations?"	
REMARKS BY:	
<i>Jarat Chopra</i>	220
<i>Gareth Evans</i>	221
<i>William Farrand</i>	228
SUMMARY OF PANEL DISCUSSION BY:	
<i>Jarat Chopra</i>	232
The Role of International Financial Institutions in Postconflict Situations	
The Role of The World Bank in Postconflict Situations	
<i>Daniel D. Bradlow</i>	236
The Role of the World Bank in Conflict-Afflicted Areas	
<i>Maurizio Ragazzi</i>	240
Natural Advantage, Values and Community: EBRD and the Former Yugoslavia	
<i>Gerard J. Sanders</i>	245
The Complex Role of the Legal Adviser When International Organizations Administer Territory	
<i>Ralph Wilde</i>	251
LECTURE COMMENTARY BY:	
<i>Nico Schrijver</i>	259
Annual Dinner Lecture—"The Visible College of International Law:" Towards the Rule of Law in International Relations	
<i>Hans Corell</i>	262
International Law and International Relations: Scholarship at the Intersection of Principles/Politics	
<i>Beth Simmons</i>	271
Aiding Violence? The Development Enterprise and Ethno-National Conflict	
<i>Peter Uvin</i>	280
Private International Law Briefing/Year-In-Review	
The Oas Perspective	
<i>Kathleen Lannan</i>	288
Recent Developments in International Tort Law in the British Commonwealth of Nations	
<i>Lakshman Marasinghe</i>	291
COMMENTARY BY	
<i>Janet Walker</i>	294

On the Possibilities and Limitations of NGO Participation in International Law and its Processes

REMARKS BY:

<i>Janet E. Lord</i>	295
NGO Participation in International Law and its Processes: An Eastern European Case Study	
<i>Marcia E. Greenberg</i>	300
On the Possibilities and Limitations of NGO Participation in International Law and Its Processes: Corporate Applications	
<i>Janelle M. Diller</i>	304
<i>2001 Annual Meeting Program</i>	310
<i>2001 Phillip C. Jessup Moot Court Competition</i>	326
<i>Appendices</i>	328
<i>Index</i>	337